

1621

CASE CT2605 NP

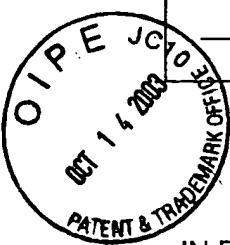
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
ERICSSON ET AL.  
APPLICATION NO: 10/075,845  
FILED: FEBRUARY 13, 2002  
FOR: COMPOUNDS HAVING RETINOID-LIKE ACTIVITY

Art Unit: 1621

Examiner: Paul A. Zucker

MAIL STOP: RESPONSE TO OFFICE ACTION  
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RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action mailed July 11, 2003.

The claims have been restricted pursuant to 35 U.S.C. s. 121 and grouped as follows:

Group I- claims 1-12 drawn to compounds of formula I and pharmaceutical compositions thereof.

Group II- claims 13 -16, drawn to methods of treating tumors.

Group III- claims 17 drawn to a method of preventing or treating post-surgical adhesions.

Group IV- claim 18 drawn to a method for the treatment of inflammatory or rheumatic diseases.

Group V- claims 19 and 20 drawn to a method of treating dermatoses.

On June 13, 2003, a provisional election was made, with traverse, by Applicants' attorney to prosecute the claims of Group I and particularly, the species exemplified in example 6. Applicants' attorney left a message for the Examiner on June 17, 2003 explaining that claims 1, 2, 3, and 5 read on the elected species. Applicants agree that claims 10 -12 also read on the elected species and appreciate the Examiner's decision to search these claims. Accordingly, claims 1 through 12 are pending. Claims 13 through 20 are withdrawn pursuant to the restriction requirement.

35 U.S.C. s. 103 (a)

Claims 1-3 and 5 stand rejected as allegedly obvious over the disclosure of US Pat.5,075,487. The '487 patent discloses fluorene derivatives that are useful as intermediates in preparing compounds having utility as electrophotographic photoreceptors. Applicants do not believe that the '487 patent qualifies as analogous prior art because one skilled in the art of cancer treatment would have no reason to consider the compounds of the '487 patent in considering a solution to the problem of treating cancer. See, M.P.E.P. s. 2141.01 (a). Accordingly, Applicants respectfully request withdrawal of the rejection.

Applicants believe that the claims are now in condition for allowance. An early Office Action to that effect is earnestly solicited.

Respectfully submitted,



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